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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,994

Applicant(s)

JONES ET AL

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of Claims

1. This communication is responsive to application filed December 3, 2001. Claims 1-24 are pending.

Claim Objections

2. Claim 24 objected to because of the following informalities: change "communication system of claim 22" to "... of claim 23". Appropriate correction is required.
3. Claim 24 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 24 is presented as a dependent claim of claim 22, and is an exact replica of claim 22 and should therefore be cancelled.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 5 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which

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it is most nearly connected, to make and/or use the invention. Applicant states communication as a "SIP communication". However this term has not been explained or mentioned in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-7,10-16 and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Akhtar et al (US Patent No 6,769,000).**

8. In reference to claims 1,12 and 13, Akhtar teaches a method comprising:

allowing a first subscriber to operate on an access network; allowing a second subscriber to operate on the access network (column 8 lines 50-60, Akhtar discloses one or more nodes on an access network)

receiving a first indication that the first subscriber has been authenticated by a first service provider, and responsively assigning the first subscriber to operate in a first logical layer of the access network (column 8 lines 45-55, column 9 lines 30-45, column 11 lines 17-30 and column 25 lines 25-67);

receiving a second indication that the second subscriber has been authenticated by a second service provider, and responsively assigning the second subscriber to operate in a second

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logical layer of the access network (column 8 lines 45-55, column 9 lines 30-45, column 11 lines 17-30 and column 25 lines 25-67);

handling communications in the first logical layer according to a first logic set; and
handling communications in the second logical layer according to a second logic set different than the first logic set (column 24 lines 40-67 and column 28 lines 30-67).

9. In reference to claim 2, Akhtar teaches the method of claim 1, further comprising:

before receiving the first indication, assigning the first subscriber to operate in a default logical layer of the access network (column 9 lines 1-53); and

handling communications in the default logical layer according to a default logic set different than the first logic set (column 24 lines 40-67).

10. In reference to claim 3, Akhtar teaches the method of claim 2, wherein the access network is an IP network, and wherein:

the first logical layer comprises a first IP subnet; the second logical layer comprises a second IP subnet; and the default logical layer comprise a default IP subnet (column 24 lines 40-67).

11. In reference to claim 4, Akhtar teaches the method of claim 2, wherein handling communications according to the default logic set comprises disallowing a certain type of communication and handling communications according to the first logic set comprises allowing the certain type of communication (column 18 lines 40-67, column 24 lines 40-60 and column 32 lines 1-30).

12. In reference to claim 6, Akhtar teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

disallowing communications from the first logical layer to outside of the access network (column 18 lines 40-67 and column 32 lines 1-30).

13. In reference to claim 7, Akhtar teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

disallowing a predetermined type of communication from passing from the first logical layer to outside of the access network (column 18 lines 40-67, column 23 lines 35-67 and column 32 lines 1-30).

14. In reference to claim 10, Akhtar teaches the method of claim 1, wherein the access network is an IP network, and wherein:

the first logical layer comprises a first IP subnet (column 24 lines 40-67); and

the second logical layer comprises a second IP subnet (column 32 lines 1-30).

15. In reference to claim 11, Akhtar teaches the method of claim 1, wherein the subscriber communicates via an air interface with the access network (column 8 lines 30-67).

16. In reference to claim 14, Akhtar teaches the access network is an IP network and the designated layer is an IP subnet, and wherein assigning the subscriber to operate in the designated layer comprises assigning to the subscriber an IP address in the IP subnet (column 9 lines 1-53 and column 24 lines 40-67).

17. In reference to claim 15, Akhtar teaches wherein serving the subscriber in the designated layer comprises handling communications with the subscriber according to a logic set established for the designated layer (column 24 lines 40-67).

18. In reference to claim 16, Akhtar teaches wherein handling communications with the subscriber according to the logic set established for the designated layer comprises:

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detecting a packet bearing the IP address assigned to the subscriber; and responsively applying the logic set to restrict transmission of the packet (column 8 lines 45-55, column 9 lines 30-45, column 11 lines 17-30 and column 25 lines 25-67).

19. In reference to claim 20, Akhtar teaches the method of claim 13, wherein the access network comprises a wireless access (column 8 lines 30-67).

20. **Claims 21-24 rejected under 35 U.S.C. 102(e) as being anticipated by Schmuelling et al (US Patent No. 6,603,758).**

21. In reference to claims 21 and 23, Schmuelling teaches a method carried out by an access network, and a communications system, respectively comprising:

prompting a first client station to select a service provider from among a plurality of service providers, and receiving a signal from the first client station, indicating a first selected service provider (column 7 lines 35-50);

sending a first authentication request message for the first client station to the first selected service provider, the first authentication request message indicating authentication information for the first client station (column 7 lines 50-67);

receiving a first authentication response message from the first selected service provider, the first authentication response message indicating that first client station is authenticated by the first selected service provider (column 7 line 62 – column 8 line 35); and

in response to the first authentication response message, restricting the client station to communications in a first logical layer of the access network associated with the first selected service provider (column 8 lines 15-67).

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22. In reference to claims 22 and 24, Schmuelling teaches the method of claim 20, further comprising:

prompting a second client station to select a service provider from among a plurality of service providers, and receiving a signal from the second client station, indicating a second selected service provider (column 7 lines 35-50);

sending a second authentication request message for the second client station to the second selected service provider, the second authentication request message indicating authentication information for the second client station (column 7 lines 50-67);

receiving a first authentication response message from the second selected service provider, the first authentication response message indicating that second client station is authenticated by the first selected service provider (column 7 line 62 – column 8 line 35); and

in response to the second authentication response message, restricting the client station to communications in a second logical layer of the access network associated with the second selected service provider (column 8 lines 15-67).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhtar et al (US Patent No 6,769,000) in view of Schmuelling et al (US Patent No. 6,603,758).**

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25. In reference to claim 18, Akhtar teaches the method of claim 13. Akhtar fails to explicitly teach prompting the subscriber to provide the authentication request. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling discloses prompting the user to provide registration information to allow access through a service provider (Summary and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Akhtar by prompting the subscriber to provide the authentication request as per the teachings of Schmuelling for the purpose of allowing users to select a service provider from among a plurality of service providers on a single network.

26. In reference to claim 19, Akhtar teaches the method of claim 18. Akhtar fails to explicitly teach wherein prompting the subscriber for the authentication request comprises: presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling discloses prompting the user to provide registration information and for selecting a service provider from a among a plurality of service providers to allow access to the network (Summary and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Akhtar by presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality as per the teachings of

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Schmuelling for the purpose of allowing users to select a service provider from among a plurality of service providers on a single network.

27. Claims 8,9 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhtar et al (US Patent No 6,769,000) in view of Cottingham (US Patent No 6,339,761).

28. In reference to claim 8, Akhtar teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

detecting a web page being sent to an address on the first logical layer (column 24 lines 40-67 and column 28 lines 30-67). Akhtar fails to explicitly teach injecting into the web page information specific to the first service provider. However, Cottingham teaches an Internet Service Provider advertising system wherein is disclosed inserting advertisements into provided web pages so that the ISP can target customers for business (column 2 lines 20-67 and column 5 lines 33-67).

It would have been obvious for one of ordinary skill in the art to modify Akhtar by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.

29. In reference to claim 9, Akhtar in view of Cottingham teach the method of claim 8, wherein the information comprises an advertisement for the first service provider (Cottingham, column 2 lines 20-67 and column 5 lines 33-67).

30. In reference to claim 17, Akhtar teaches the method of claim 13, wherein serving the subscriber in the designated layer of the access network comprises:

a gateway on the access network detecting a web page being sent to the subscriber (column 24 lines 40-67 and column 28 lines 30-67). Akhtar fails to explicitly teach the gateway

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modifying the web page to include an advertisement for the designated service provider.

However, Cottingham teaches an Internet Service Provider advertising system wherein is disclosed inserting advertisements into provided web pages so that the ISP can target customers for business (column 2 lines 20-67 and column 5 lines 33-67).

It would have been obvious for one of ordinary skill in the art to modify Akhtar by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
July 14, 2005


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